

## CHAPTER 34: SPECIAL ASSISTANCE PROGRAMS

---

### 34-1: OVERVIEW OF CHAPTER

From time to time, Ginnie Mae may offer to assist issuers who are responsible for pooled mortgage loans on property located in areas that have been declared disaster areas by the President of the United States. Ginnie Mae will announce its willingness to provide such assistance in an All Participants Memorandum (disaster APM). This assistance takes three forms: (i) aiding issuers in covering their advance obligations while forbearing from declaring them in default, (ii) deleting affected loans from calculations of delinquency ratios, and (iii) authorizing issuers to purchase affected loans from the related pools.

Under the Soldiers' and Sailors' Civil Relief Act of 1940 (SSCRA), issuers may be forbidden from collecting interest in excess of 6% per annum on certain mortgages while the borrowers are on active military duty. Ginnie Mae may offer to reimburse issuers for such interest shortfalls. If Ginnie Mae decides to do so, it will announce its intention in an All Participants Memorandum (SSCRA APM).

This chapter describes the terms on which disaster and interest shortfall assistance will be made available to issuers and how issuers can obtain it.

### 34-2: DISASTER ASSISTANCE

Ginnie Mae will announce the availability of disaster-area assistance by publishing it in a disaster APM. The disaster APM will specify the areas (eligible locations) that are affected by the disaster APM and the percentage of an issuer's loans that must be secured by property in an eligible location in order for the issuer to qualify for assistance with its advance obligations. The disaster APM will also identify each month (an eligible month) in which Ginnie Mae will assist with the issuer's advance obligations.

#### ***(A) Ginnie Mae Advances and Forbearance***

##### **(1) Request Procedure**

The issuer must request assistance in accordance with the following procedure, except as otherwise specified in the applicable disaster APM:

- (a) For each eligible month for which assistance is requested, the issuer will sign and submit, at least three business days prior to that month's remittance date or ACH date.

## CHAPTER 34: SPECIAL ASSISTANCE PROVISIONS

---

### **Section 34-2(A)(1)(a)** **(continued)**

- (i) a single copy of a Request for Disaster Assistance (Appendix XI-1) (a request);
- (ii) two copies of a Supervisory Agreement (Appendix XI-2), properly executed by an authorized corporate official; and
- (iii) a single copy of Wire Instructions to Transmit Funds to Issuer from Ginnie Mae (Appendix XI-3).

The issuer must send these documents by express mail to the Vice President of the Office of Customer Service, Attention: Declared Disaster (see Addresses).

These documents are applicable under both the Ginnie Mae I MBS Program and the Ginnie Mae II MBS Program.

- (b) If Ginnie Mae approves the Request, it will execute the Supervisory Agreements and return one copy to the issuer. Ginnie Mae will wire the requested advances directly into the issuer's P&I custodial accounts at times that will enable the issuer to make payments to security holders at the times specified in Chapter 15.

#### **(2) Computation of Advances**

The issuer will compute the amount of the advance required from Ginnie Mae for each eligible month as follows:

- (a) Determine the total amount of advances that the issuer made with respect to the eligible loans in the month (the base month) immediately prior to the initial month in which assistance is made available in a disaster APM. This sum is considered unrelated to the disaster and therefore not eligible for assistance under this Chapter 34. It is treated as the "base month amount" of advances.

## CHAPTER 34: SPECIAL ASSISTANCE PROGRAMS

---

### **Section 34-2(A)(2)** **(continued)**

- (b) Estimate the advances that will be required for the eligible loans in the eligible month that is the subject of the request.
- (c) Subtract (2) from (3). The balance is the amount of Ginnie Mae advance assistance (eligible assistance) that the issuer will be eligible for in the eligible month that is the subject of the request.

An issuer that receives an eligible advance from Ginnie Mae will be obligated to repay it to Ginnie Mae within 90 days after Ginnie Mae wires the funds into the issuer's P&I custodial accounts, with interest computed at the applicable interest rate, which will be set forth in the applicable Supervisory Agreement. The applicable interest rate is the rate that Ginnie Mae pays for its monthly borrowing from the Treasury Department during the month of the related eligible advance. Issuers should use Instructions to Remit Funds to Ginnie Mae Via Electronic Funds Transfer (Appendix XI-4) to make the required repayments. Although the specified repayment dates and the associated Supervisory Agreements are not expected to be extended, they may be extended in the sole discretion of the President of Ginnie Mae.

### **(B) Default Status**

Under the applicable Supervisory Agreement, the issuer will be considered in default under the governing Guaranty Agreement or Contractual Agreement. Ginnie Mae, however, will forbear from exercising its right to extinguish the issuer's rights and will allow the issuer to remedy its default by repaying each eligible advance to Ginnie Mae, together with required interest, within 90 days of the date of Ginnie Mae's payment of that eligible advance. Ginnie Mae will not forbear from exercising its rights in the event of a default by the issuer other than a default due to the issuer's request for eligible advances.

## CHAPTER 34: SPECIAL ASSISTANCE PROVISIONS

---

### ***Section 34-2(B) (continued)***

Although an issuer will be in default as a result of its request for eligible advances pursuant to this chapter, the issuer's ability to obtain commitments, issue securities, or transfer issuer responsibility will not be affected so long as it complies with the Supervisory Agreement and all other applicable Ginnie Mae I and Ginnie Mae II MBS Program requirements.

#### ***(C) Exceptions to Delinquency Ratio Calculation Requirements***

Ginnie Mae will also exclude mortgages on properties in eligible locations from calculations of delinquency ratios (DQ3, DQ2 and DQP). These thresholds are used, pursuant to Section 18-3, in approving commitments, assigning pool numbers, and allowing transfers of issuer responsibility. Using Ginnie Mae's Mortgage-Backed Security Information System, the staff of Ginnie Mae and its contractor, will cooperate with issuers to track the affected mortgages by eligible location.

#### ***(D) Loan Buyout Authority***

Ginnie Mae, pursuant to a disaster APM, may also authorize issuers with eligible loans to buy the loans out of the pools for the remaining principal balance of each loan, less any unreimbursed advances previously made by the issuer. The loans do not have to be delinquent before they can be repurchased.

Issuers must receive Ginnie Mae's written permission to buyout loans. To request such permission, an issuer must use the Transmittal Form Letter Requesting Buyout Disaster Relief (Appendix XI-5). This letter includes the issuer's certification that the property was damaged by the effects of the declared disaster and must refer to the applicable disaster APM by its assigned number.

Ginnie Mae will allow such loans, once bought out of their pools, to be repooled if they are modified and continue to be insured or guaranteed by FHA, VA, RHS, or PIH (refinanced loans are not restricted as to pooling since a refinanced loan is a new loan and must only meet the eligibility loan criteria in Section 9-2). For purposes of computing the eligibility of a modified loan for repooling, the loan modification date must not be more than 48 months prior to the issue date of the new pool. All other loan eligibility requirements of Section 9-2 are applicable.

## CHAPTER 34: SPECIAL ASSISTANCE PROGRAMS

---

### **Section 34-2(D) (continued)**

The authority to buy loans out will expire on the date specified in the disaster APM.

### **34-3: INTEREST SHORTFALL ASSISTANCE**

SSCRA provides that no obligation or liability bearing interest at a rate in excess of 6% a year incurred by a borrower before he enters active military duty shall, during his period of active military duty, bear interest at a rate in excess of 6% a year. Once the borrower's period of active military duty is over, the issuer is permitted thereafter to collect the rate of interest provided for in the mortgage.

Issuers are reminded that the difference between the payment due on an eligible loan at the original interest rate and the payment due at the rate permitted by SSCRA is not considered an advance by the issuer and, therefore, cannot be funded by excess funds, as defined in Section 15-5(A), or by any other funds in the related P&I custodial account. Also, SSCRA does not permit issuers to collect these payment shortfalls from the borrower at a later date. The shortfall must be funded each month entirely out of the issuer's corporate funds and deposited (a) in the case of Ginnie Mae I MBS, into the related P&I custodial account no later than the day of the month on which payment to security holders is due under Section 15-2(A), or (b) in the case of Ginnie Mae II MBS, deposited into the central P&I custodial account no later than the day of the month on which the deposit is due under Section 15-3(A).

Ginnie Mae will announce the availability of interest shortfall assistance by publishing it in a SSCRA APM. If Ginnie Mae decides to reimburse an issuer for interest shortfalls attributable to SSCRA, it will make payments of interest due on the related securities in the amount, if any, by which the interest calculated at the interest rate provided for in the mortgage exceeds the interest permitted pursuant to SSCRA.

In order to receive reimbursement for an interest shortfall attributable to SSCRA, the issuer must demonstrate that the mortgage meets the eligibility criteria for interest shortfall assistance set forth in SSCRA and provide the documentation described below.

## CHAPTER 34: SPECIAL ASSISTANCE PROVISIONS

---

### ***Section 34-3 (continued)***

#### ***(A) Eligible Mortgages***

In order for an issuer to qualify for interest shortfall protection in connection with a mortgage:

- (1) The mortgage must be secured by a single-family or manufactured home.
- (2) The issuer must receive a written request from the mortgagor stating that the mortgagor is a member of the United States Military Reserves or National Guard and has been called to active duty. The request may also be submitted by someone with authority to make the request on the borrower's behalf, for example, the mortgagor's spouse or attorney. The mortgage must represent a contractual obligation of the mortgagor, either as sole mortgagor or co-obligor.
- (3) The issuer must determine whether the mortgage satisfies the requirements of SSCRA and, if it does, the amount of the interest shortfall.
- (4) The issuer must verify and document the following information about the mortgagor's military service:
  - (a) the date of the induction order ordering the mortgagor to active military service (the activation date) and the date on which the mortgagor undertook the mortgage obligation; the date of the mortgage loan obligation must precede the activation date;
  - (b) the mortgagor's rank, branch of service, and service number; and
  - (c) the mortgagor's pay grade, base service pay, and family allotment.

## CHAPTER 34: SPECIAL ASSISTANCE PROGRAMS

---

### ***Section 34-3(A) (continued)***

- (5) The issuer must submit to Ginnie Mae's agent (see Addresses) certain loan eligibility information for each mortgage, both in hard copy and in electronic form, and Ginnie Mae must approve this information before the issuer submits its request for reimbursement. The issuer must submit the loan eligibility information, which is set forth in Appendix XI-6, using the Issuer Information System (IIS). The IIS software, which will be supplied by Ginnie Mae free of charge (see Addresses), is designed to capture the required SSCRA loan eligibility information and will enable the issuer to generate both the hard copy and electronic reports that are required to be submitted.
- (6) For a mortgagor who has served multiple periods of active military duty, the issuer must submit loan eligibility information for each such period.
- (7) The issuer must maintain the request and other appropriate records in the mortgage loan file, and retain copies of each in the pool file, for review by Ginnie Mae or its agent.

If Ginnie Mae approves the eligibility of a loan, the issuer will receive written notice from Ginnie Mae that the loan is eligible for the reimbursement.

### ***(B) Monthly Pool Accounting***

The issuer must continue to account for each loan subject to SSCRA on the Issuer's Monthly Accounting Report, form HUD 11710-A (Appendix VI-4). The procedures for reporting payments on eligible loans are set forth in Appendix XI-7.

### ***(C) Submission of Request for Reimbursement***

The issuer may submit requests for reimbursement only on a quarterly basis. Requests are to be submitted:

- (1) by August 10, November 10, February 10, and May 10, which are the months following the months of the quarterly loan level cycle; and
- (2) in hard copy and by either diskette or electronically through the Bulletin Board System;

## CHAPTER 34: SPECIAL ASSISTANCE PROVISIONS

---

### ***Section 34-3(C) (continued)***

The request must be submitted using the SSCRA quarterly reimbursement request format set forth in Appendix XI-8. Using the IIS (see Addresses), the issuer will be able to generate a hard copy of this format and a data file for electronic transmission. If the hard copy request is not identical to the electronic transmission (the signatures may differ), reimbursement will not be made until the issuer has corrected the submission.

### ***(D) Reimbursement***

When reimbursement is appropriate, the CPTA will make suitable arrangements for reimbursing the issuer.